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To: Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Attn: Art Unit 2814 - S. Rao  
From: George O. Saile, Reg. No. 19,572  
20 McIntosh Drive  
Poughkeepsie, N. Y., 12603

Subject: | Serial No.: 09/418,029 10/14/99 |  
Lap Chan et al.

A NEW METHOD TO FORM A CROSS NETWORK  
OF AIR GAPS WITHIN IMD LAYER

| \_ Art Group: 2814 S. Rao \_ |

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election  
Requirement in the Office Action dated 10/01/01. In that  
Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first class  
mail in an envelope addressed to: Commissioner of Patents and  
Trademarks, Washington, D.C. 20231, on October 29, 2001.

Stephen B. Ackerman, Reg.# 37761

Signature/Date SBA 10/29/01

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-24 to a process, classified in Class 438, subclass 619 and Group II - Claims 25-28 to a multilevel interconnect structure, classified in Class 257, subclass 758.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-24 drawn to a process classified in Class 438, subclass 619. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "a multilevel interconnect structure" and the process Claims are directed to "a method of forming air gaps between metal leads of a semiconductor device", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass 438/619 and products class 257/758 in addition to other related

Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "the product as claimed can be made by another and materially different process (MPEP 806.05(f)). In the instant case The Group II devices as recited can be made by another and materially different process namely instead of depositing the thin first and second oxide layers as recited the layers can be grown by oxidation of the substrate", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,

  
Stephen B. Ackerman, Reg.# 37761